

Municipal Council Meeting
Wednesday, June 23, 2004
Town Hall Auditorium
6:30 p.m.

Meeting opened at 6:32 p.m.

Members present: Councilor Chandler, Councilor Connolly-King, Councilor McMilleon, Councilor Larnard, Councilor Headley, Councilor Woodsom, Councilor Pinierio, Councilor Benson, and Councilor Lawrence

2004-69 Citizen Petition

James Thivierge: I would like to speak to the petition to rescind the order for the \$3.6 million. I appeared and voiced my concerns previously about the current financial status of the city. I have since read the financial shortage in the school department of \$900,000.00 relative to the teacher contracts and the projected loss of 17 teachers in the '05' budget. It looks like the union out negotiated the city and it looks like our financial position for '04' is not the best. I assume that there will be absolutely no free cash from this particular fiscal year's budget. My questions in light of this are the same and I have asked you these questions before and have not received a response since. Can we afford this project in the inside and outside the debt limit? Do we, the city, have any levy capacity left? Can we stay under the maximum levy limit? Can we do this without going out for exclusion? My approach would be to go before the voters. If these questions on the financial solidity of this community are correct and we are in the black and you are assured that in the next four or five years that we are going to be okay, so be it. The burden is on this Council to make that fiduciary decision on behalf of every person of this town both now and over the lifetime of this particular capital request. Will we rely on exponential increases in values to absorb negotiation losses, the restoration of positions, which I would advocate because teachers and education are important? This library is almost as important as that because it is a community capital expenditure that everybody can use over 7 days of the week, 350 days of the year and over the lifetime of this particular bond issue. I support the Library wholeheartedly provided that we can afford it. I also suggest that because of the life expectancy of the building, based on the current figures, that we float a 40 to 50 year bond, back load it in the 25th to 50th year so that we can maintain the affordability of this most essential item to this community. At some point in time, I would expect the answers to these questions. You all have copies of my questions, so with respect to this petition or any petition these questions should be answered so that every member of this community knows that their fiduciary, their financial interest and the interest of their kids are protected. I ask you to do the right thing. You have the information. You have the figures. You have an accountant, you have a CFO and you have a Mayor who should all be projecting the best situations for this community. I don't see that in collective bargaining. It was out \$900,000.00. That is a black mark on the front office for negotiating an agreement that they didn't score that they did not compute. It is your responsibility, you represent us, you represent me, so

whatever you do on any of these petitions should be in your financial interest and those interests of this community now and forever.

John Iacobucci: I would like to point out that these petitions were brought forth under the Charter. They are citizens' rights and they shouldn't be received and accepted with animosity although it has happened. We essentially had three points; one which is that we feel that you should table or rescind this because the Council had not received the CIP. I see now that you have received it. We feel that it is not a complete plan and it has not been accepted or presented to the permitting and accepting authorities. The Planning Board and Design Review have not seen it. The Historical Commission has not ruled on it. We feel that as a Finance Committee you should charge your committees and your other boards since you are our legislators to seek out other funds. I plead with you as our legislators to review all of the alternatives. I am not against the Library. I could be wearing one of their Library Yes pins as well as any of them. We plead with you to insist that they do the best thing possible.

Our dilemma is that some of us do not understand at which point we decide whether our requests under our right to petition have been answered. That is also our right under the Charter that we have the right to have our requests answered.

Councilor McMilleon: I would venture to say that you are either going to have a decision tonight or you are going to have a decision on July 13. If the Council wants to continue it because they want some additional information or for example Mr. Thivierge raised some valid questions and so we might want to talk to Mr. Basque about some of those questions. It really is up to the Council and I don't know what they are going to do.

Mr. Iacobucci: Would you consider funding the project before it has gone through the permitting boards?

Councilor McMilleon: I am not going to try to answer specific questions because I really can't. We are going to have to deal with each one of these petitions that have been brought in. There is one before the Planning Board, one to the Library and two that are before us.

Marc Deschenes: I would like to speak about the confusion; for instance, this half hour Council meeting before the Finance Committee meeting. I am not so sure that it was all that well posted. I went to the Planning Board a couple of weeks ago and I found out there that they don't even have an application in at this point. Yet, at the Council meetings and at the Finance Committee meetings, one might come away with the impression that somehow we missed the boat and we weren't there when they were designing this thing. To someone like me it seems like the cart is before the horse. We are talking about funding this and it hasn't even gone before the boards. I worry about if we as a Council bond this, does it put political pressure on the other boards. What kind of affect does that have on their decision making? It seems to me that this should go through a process and then come as a complete package. It is a bit confusing when we are not even sure what the design is or what it is going to cost. I would hope that you folks would consider tabling this until it has gone through the processes.

Anne Iacobucci: I think the plans are poor. There is no excuse for the people who are signing on the line. Those who have spent \$300,000.00 and probably another \$450,000.00 to go to architects and allow architectural plans that are very flawed which are paid for by us, the tax payers, and along with it destroy the most beautiful building in Amesbury. You can't say that it is not up to us. It is up to you. You are the people who are doing it. I don't know who is driving so hard to have this bad plan, but today I talked to an officer of the Provident bank and asked how he felt about tearing down the stack wing of the Library. He said they are not doing that, they have an addition going on the back and it is going off towards the Schwartz house. I asked when the last time he saw the plans was and he said a few years ago. You are saying that we have been amply taught what is going to happen. Saying that a little model sitting in the Library is a way to educate the community is wrong. It has not gotten to the people. Even the most important people who have helped give \$1 million towards it did not know. The word is not out. We all want the Library. We don't want the beautiful building destroyed, why don't we all work together and work towards something. Why don't we analyze the plans instead of having the same presentations six times of the same thing, have a workshop with us and go over them with people who know what they are talking about.

Councilor McMilleon: Just a clarifying question, in regard to what we are having a hearing on right now; are you in favor of rescinding the \$3.6 million?

Mrs. Iacobucci: As a temporary thing yes. I would like to mention one other thing. I have said at a lot of these meetings that we elected you as Councilors because we all thought that the people we elected would be good and that you would represent us. We could call you constantly with every little issue but most people don't like to do that and we know that we don't always disturb you, you have recordings and all. So, people get up here and speak and when somebody speaks and it is the view of other people in the audience they applaud to say they agree. That applauding tells you that I am not the only one saying this, other people are in agreement. It is not meant as rudeness as Ms. Headley interpreted it. It is just meant to say that we don't all want to get up there and take your three minutes because if 10 of us did, that is another half an hour. If one person says it and other people applaud, it works the same way. I would hope that you would not feel too badly if people applaud and not feel it was an insult. It isn't meant to be.

John Iacobucci stated from his seat that the petition is to table or to rescind not just to rescind.

Councilor McMilleon acknowledged him and stated that he stands corrected.

Annette Denietolis: I would like answers to Mr. Thivierge's questions. I would also like to say that I support tabling the \$3.6 million bond until we can get things straightened out and I would just like to bring to the fore front that Amesburys median income is somewhere around the \$55,000.00 to \$65,000.00 range. This means that there are a number of people in this town that are not making a lot of money and they are sacrificing every day just for the every day necessities that they need to take care of their families.

They don't have a lot of expendable income as it has been suggested several times from several different areas. I just want to remind everybody that we do have a High School building that we are having built and it will have a Library in it that is going to be state of the art at least for the young adult population. That should relieve some of the burden on the Amesbury Public Library, though it is not the answer and I am not pretending that it is. We should just keep that in mind when we get nervous about the clock ticking on the state funding so that we don't get forced into making a decision that will not be good or financially healthy for Amesbury.

Chris Hyde: I understand that this library renovation/expansion has been in the works for five years. I was here at the meeting in April when this committee voted to recommend to the full Council to bond for the \$3.6 million. At this stage to have four petitions brought before different governing bodies of the community and to say that we want answers to unanswered questions, really speaks of people not being informed as the process went along. It was not the Library Trustees' fault that people weren't paying attention. I would ask you to maintain the vote that you had and to re-recommend to the full Council that this appropriation be bonded.

Michael Greaney: I believe that there are petitions that have been mailed out. I received a notice today that one of the petitions that were submitted will be advertised on June 29 and it will come up at a Municipal Council meeting on July 13. That petition was to put this line item of \$3.6 million on the ballot in November so that every taxpayer in the Town of Amesbury could vote on this project. If we vote \$3.6 million tonight, you are ignoring these petitions that were filed in a legitimate order and I don't think it is right that we should put the cart before the horse and spend \$3.6 million when the petitions have not been honored yet. If this is voted tonight by the Council and the Mayor goes out and bonds the money immediately, what information I have here, I might as well throw in the wastebasket. It is time that we consider the fact that there are situations where we have to be fair and that is to honor these petitions before you spend the money. There are a lot of historical problems and conditions with the library that the Design Review Committee questioned at the Planning Board commission in depth. I don't see that there have been many new design changes in the project. I want the petitions that were submitted to the Town Clerk honored and respected before we spend \$3.6 million.

Councilor McMilleon: Just for clarification, we are not voting on the \$3.6 million tonight. It is before the Finance Committee but that is not a final vote. It is only a recommendation and then it goes to the July 13 Municipal Council meeting.

Tom Iacobucci: I don't think anyone disagrees that we need to do a project at the Library. I don't think anyone disagrees that we need to see upgrades and work done over there. There has been talk about an addition to the Library for decades. When I was a Councilor we voted to purchase the house next door so that we could acquire space to do an addition. There has been a plan that has gone around and around of what the plan was going to be. I found out it was a definitive and that the wing was going to go when I was at the Library back in December. I was told that is the only way that we are going to be able to do it. Prior to that there had been people going back and forth on saving and not

saving. People have now stepped up to the plate with petitions to address their concerns. It is a right guaranteed us by the Constitution. It is a right that we wrote into the Charter. I pushed hard to make sure that as a member of the Charter Commission that people were guaranteed the right. Some of the people who are now pushing forward and are opposed to the petitions were opposed to changing the form of government because they said that we weren't going to have as much rights and ability to speak up. A few years ago in this town it looked like we were going to be steam rolled through and have a truck stop and then individuals organized a petition. They organized and stood up and as an end result we stopped a bad thing in this town. Two years ago we had a gentleman, who criticized the petitions, organized petitions locally to legalize marijuana and get rid of the Speaker of the House. He has a right to do it. To criticize people for that is as anti-American as you can get because it is our guaranteed right of the first amendment. I support the Library project and spending the money on the Library project if we can get a good design. I don't support tearing down the wing and putting up a box like addition as has been proposed. It is a design issue and a question of what we can do to deal with it. Different ideas have come forward and other Libraries have done neat and interesting things and have not gone through the process of tearing down and so I think all of these things should be considered. The Council has until May 15 of next year before the time runs out on approving to get the money from the state and December of 2005 before the Provident money goes away. So this isn't something that has to be rushed through and done immediately. Yes, there are design issues that have to be resolved, permitting issues to go through and get approved but there certainly is time to deal with this without rushing through. The fact that residents have stood up to the plate with the various petitions of which over 300 individuals have signed, hear them out and let it go forward and not just take it and not address it.

Councilor Headley asked what the cost would be to put this on the ballot and voting.

Ms. Kitchin responded that it would be approximately \$5,000.00.

Councilor Headley: We hear constantly about this not being brought up and they didn't know about it. I don't use the Library myself for various reasons but I cannot imagine a town of this size going as long as it has without really what we need for our people in the town. If we are going to spend \$5,000.00 to get this on the ballot that is \$5,000.00 that is gone either way. If it goes one way, you have lost it and if it goes the other way the \$5,000.00 is spent and you don't have it to spend. I don't think that there is anybody here that hasn't had plenty of time to express his or her opinions. This has been brought up for more than four years. I would just like to comment on the suggestion that they have not hired a good architect and that they haven't done their job. I think we have had three different groups as I understand it that have more or less looked at this problem and they have all come up with the same general idea. I can't see where the problem is. I think that we need to really think about this before we spend money on it just to see what is going to be done.

Councilor McMilleon: We are running late for the Finance Committee meeting. What is the wish of the Council?

Councilor Larnard: I am not speaking to that but I wondered if we could get some clarification from Mike Basque about some financial figures that were brought up. One of the things that Mr. Thivierge had brought up was floating a 40 or 50 year bond. I would like to get a response from Mike to clarify that.

Councilor McMilleon: We have to make a decision right now because we have publicly stated when our Finance Committee Meeting was going to open and we are late with opening that meeting.

Ms. Kitchin: You also have that on your Finance Committee agenda so this will be back under that agenda.

Councilor McMilleon: What we need to do on this is to suspend the hearing until after the Finance Committee meeting and then reconvene it.

Councilor Woodsom: We have another petition coming up at our July 13 Council meeting, I would be in favor of continuing the public hearing and this to the July 13 meeting and handle both petitions at the same time.

Councilor Chandler: I will second that.

Councilor McMilleon: Before we take a motion is there anyone else in the public that wants to make a comment on this petition at this time?

There was no response.

Councilor McMilleon closed the public hearing and asked for a motion.

Councilor Woodsom motioned to continue petition 2004-69 to the July 13 Council meeting and also continue the public hearing.

Councilor Chandler seconded.

Councilor Connolly-King questioned why Councilor Woodsom wanted to continue it to the next meeting.

Councilor Woodsom: I want to see these handled at the same time so that we have a clear path of where we are going with it. I would like to see all of this put to bed at the same time. If we are going to put this to a ballot we can put it to a ballot or if we are going to the Design Review process with this petition, I think they should be handled together.

Councilor Connolly-King: I was discussing this with the Clerk and I was concerned. Is the design of the building the purview of the Council or is the purview of the Council the financing?

Councilor McMilleon: The petition is a perfectly legitimate petition. It is a petition to table or rescind the funding of the Library. It is obvious from a couple of comments from the public tonight that we need additional financial information and to do this in all fairness we need to continue it.

Councilor Connolly-King: Can we make sure that we have all of these questions in writing so that we have the answers that evening. I feel that we need to deal with these issues and I would not like to see it move to the next meeting and still don't have the answers to the questions. I don't know who is going to take responsibility for writing these questions down and getting them answered so that we have all of the information on the 13th.

Councilor McMilleon: We have the record from the public hearing that we have had so far. We will make sure that Mike Basque gets most of them and the others that were in regard to Planning and Historical Society will be referred and we will get the answers and as much information as we can by the 13th.

If any Councilor has a comment on the motion before us I would be glad to entertain that. The motion is for 2004-69 to be continued to the July 13, 2004 meeting.

There was no comment and a vote was taken.

VOTED Unanimous

Councilor Benson motioned to adjourn at 7:13 p.m.; Councilor Chandler seconded and it was voted unanimous

Respectfully submitted,

Sharon Dunning
Principle Clerk